(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

W.P. No.410 of 2002

Petitioner : Municipal Corporation , Korba Through its commissioner , Municipal Corporation, Saket Bhawan , Korba Dist. Korba Chhattisgarh

P. R. No. 407 Presented by Shri S.K. Agrawal dated 19/12/02

Vs.

Respondents : 1. The controlling Authority Under payment of Gratuity Act 1972/ Asstt. Labour Commissioner , Korba, Chhatttisgarh

2. D S Bais S/o Shri Gohr Singh Bais, Resident of podi Bahar, Dist. Korba , Chhattisgarh

3. State of Chhattisgarh, through Secretary Department of D.K.S. Mantralaya, Distt. Raipur (C.G.)

Writ petitioner under Article 226 of the Constitution of India for issuance of a writ, order or direction etc.

XI-HC-22

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 410 सन् 2002

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	05.01.2004 Shri Manindra Shrivastava, counsel for the Petitioner. Shri Vinod Deshmukh, counsel for the Respondents No.1 and 2. State by Shri Rajesh Pande, Govt. Advocate. Shri Vinod Deshmukh submits that the matter is covered by the decision of the Division Bench of this Court passed in W.P. No.1329/2001 (Director, Raipur Diocess Educational Society, Raipur vs. U.K. Mashi and Others) and also the decision of the Single Bench passed in W.P.No.2653/2001 (Steel Authority of India vs. Controlling Authority under Payment of Gratuity Act, Durg and Another). This writ petition has been filed under Article 226/277 of the Constitution of India against the order dated 05/01/2002 passed by the respondent No.1 Controlling Authority under the Payment of Gratuity Act, 1972. Counsel for the respondents No.1 and 2 submits that the petitioner has alternative remedy of appeal under the Payment of Gratuity Act. Counsel for the petitioner submits that the provisions of this Act are not applicable. It is stated by other side that this may also be taken as ground in appeal. It is however, submitted by the learned counsel for the petitioner that as the limitation for the appeal is 60 days, and,	

[पीछे देखिये

XI-HC-22

(119)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.410 सन् 2002

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

for some time the authority itself was not notified and because of prosecuting this petition, time for filing appeal has lapsed, therefore, he prayed that some direction may be issued so that the petitioner is not prejudiced.

As prayed, permission is granted.

Having considered the facts and circumstances of the case and material on record, it is directed that in case suitable application for condonation of delay is made the same shall be considered by the Authority sympathetically keeping in view the fact that for some time the Authority itself was not notified and for such the petitioner had prayed this court and petition was pending.

Accordingly this writ petition stands disposed of as withdrawn with the liberty aforesaid.

Consequently I.A.No.2764/2002 also stands disposed of.

C.C. as per rules.

Sd/-
Fakhruddin
Judge

/Rao/

[पीछे देखिये